

REMARKS

In response to the final Office Action mailed October 15, 2005, claims 21, 25 and 26 have been amended. Claims 1-2, 4-22 and 24-34 are pending in the application.

In paragraph 1 on page 2 of the Office Action, claims 21, 22 and 24-26 were rejected under 35 U.S.C. § 112, second paragraph, as including limitations lacking antecedent basis.

Applicant respectfully traverses the rejections, but in the interest of expediting prosecution has amended the claims to overcome the rejection. Applicant submits that the amendment to the claims do not narrow or change the scope of the invention.

In paragraph 3 on page 3 of the Office Action, claims 1, 2, 4-22 and 24-34 were rejected under 35 U.S.C. § 103 as being unpatentable over Treseder and Official Notice regarding well-known use of materials recited in the claims.

Treseder discloses a disk file comprising a spindle motor, spindle, disks coupled to the spindle and an actuator assembly that is hermetically sealed. Thus, according to Treseder, only the disk file assembly is enclosed within the hermetically sealed enclosure.

In contrast, Applicant's invention provides a hermetically sealed enclosure for all of the HDD components. In other embodiments, the claims recite that an electronic device is enclosed within the hermetically sealed enclosure.

In addition, Applicant's claims recite a temperature sensor circuit configured and arranged to detect the temperature in the metal housing and to adjust operation of the HDD based on the detected temperature. Treseder does not disclose a temperature sensor. Still further, Treseder fails to suggest an adhesive configured and arranged to couple the inside cover to the metal cover and to hold the metal cover in place during a laser welding process for welding the metal cover to the metal housing. Yet further, Treseder fails to disclose a damping plate coupled

to the metal cover and configured and arranged to dampen vibration from an HDD in the metal housing.

Accordingly, Applicant's claims clearly recite at least that the HDD is enclosed within the metal housing, a feedthrough arrangement for passing electrical signals to the HDD components, an inside cover disposed between the sidewalls of the housing and a metal cover laser welded to the upper portion of the sidewalls to close the opening through which the HDD components fit and hermetically sealing the metal housing.

In addition, Treseder does not disclose, teach or suggest using both a non-hermetically sealed lid and a top hermetically sealed lid. Treseder also fails to suggest using an inside cover that is disposed between the sidewalls of the housing and within a flange of the housing, wherein a non-hermetic seal is formed between the flange and the inside cover. Treseder also does not suggest that the top lid is laser welded.

Rather, Treseder merely disclose using a canning technique for sealing a hard disk drive that is similar to the technique discussed in the background of Applicants' specification. However, this technique results in an increase in the thickness of the drive and is therefore undesirable. Moreover, Treseder discloses the use of only one top.

To establish a *prima facie* case of obviousness, three basic criteria must be met:

- 1) There must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
- 2) there must be a reasonable expectation of success; and
- 3) the prior art reference (or references when combined) must teach or suggest all the claim limitations. (M.P.E.P. §2142).

It is a requirement that actual evidence of a suggestion, teaching or motivation to combine prior art references be shown, and that this evidence be "clear and particular." *In re*

Dembiczak, 50 USPQ2d 1614 (Fed. Cir. 1999). Broad conclusory statements regarding the teaching of references, standing alone, are not evidence. *Id.*

Moreover, Applicants hereby traverse the Official Notice and, in accordance with MPEP § 2144.03, request the Examiner to cite a reference in support of the Official Notice that it is well known to provide the elements recited in Applicant's claims yet missing from Treseder. In particular, the Examiner is requested to provide evidence that discloses all of the limitations of claim 1, and also that provides motivation for modifying any reference or for combining references.

The Examiner is referred to MPEP § 2144.03 regarding Office Notice. Allegations concerning specific knowledge of the prior art...should be supported and the applicant should be given the opportunity to challenge the correctness of such assertions and allegations. The facts so noticed serve to "fill the gaps" which might exist in the evidentiary showing and should not comprise the principle evidence upon which a rejection is based. MPEP § 2144.03, citing *In re Ahlert* 424 F.2d 1088, 1091, 165 USPQ 418, 420-421 (CCPA 1970).

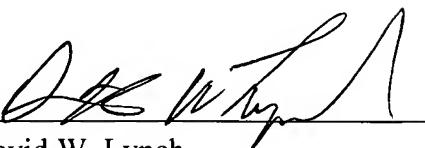
In view of the failure of Treseder, or Treseder in combination with any other reference, to suggest all of the limitation recited in the claims, Applicant respectfully requests the rejection be withdrawn. Moreover, on the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

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If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 423-757-0264.

Respectfully submitted,

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